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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

MAY - 7 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	EB Docket No. 03-96
)	
NOS COMMUNICATIONS, INC.,)	File No. EB-02-TC-119
AFFINITY NETWORK INCORPORATED and)	
NOSVA LIMITED PARTNERSHIP)	NAL/Acct. No. 20033217003
)	
Order to Show Cause and Notice)	FRN: 0004942538
of Opportunity for Hearing)	

To: Honorable Arthur I. Steinberg
Administrative Law Judge

NOTICE OF APPEARANCE, OR IN THE
ALTERNATIVE, PETITION TO INTERVENE

Pursuant to §§ 1.91(c) and 1.221(e) of the Commission's Rules ("Rules"), and in accordance with the *Order to Show Cause and Notice of Opportunity for Hearing* ("Order") in this proceeding, NOS Communications, Inc. ("NOS"), through its undersigned counsel, hereby states that it will appear on the date fixed for the hearing and present evidence on the issues set forth in the *Order*. NOS notes its appearance to the extent necessary to preserve its right to appear at the hearing, even though the ordering clauses of the *Order* are directed to its "principal or principals." *See Order*, at 13, 14 (¶¶ 25, 26, 27(c) and 29).

The Commission has been petitioned to reconsider and amend the *Order* to name NOS as a party respondent in this proceeding. In the event the Commission declines to amend the *Order*, and NOS is determined not to be a party respondent, this should be considered alternatively as a petition to intervene under § 1.233(b) of the Rules.

NOS clearly has an interest in the proceeding. The *Order* charges NOS with an apparent

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violation of § 201(b) of the Communications Act for which NOS stands to lose its operating authority and be subject to a \$1.2 million forfeiture. *See Order*, at 13-15 (¶¶ 25, 27(b), 30).

NOS' participation in the proceeding is required by due process. NOS will assist in the determination the issues because it possesses and will be able to proffer relevant evidence.

For the foregoing reasons, NOS should be granted leave to intervene (if necessary).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Russell D. Lukas", written over the typed name.

Russell D. Lukas, Esq.
George L. Lyon, Jr., Esq.

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Attorneys for
NOS Communications, Inc.

May 7, 2003.

DECLARATION

I, RUSSELL D. LUKAS, declare:

- (1) I am an attorney representing NOS Communications, Inc. in this matter;
- (2) I prepared the foregoing Notice of Appearance, or in the Alternative, Petition to Intervene ("Notice");
- (3) Except for the facts of which the Commission may take official notice, the facts set forth in the Notice are true and correct of my own personal knowledge; and,
- (4) I certify under penalty of perjury that the foregoing is true and correct.

Executed on May 7, 2003.

A handwritten signature in black ink, appearing to read "Russell D. Lukas", written over a horizontal line.

Russell D. Lukas

CERTIFICATE OF SERVICE

I, Jennifer C. Colman, do hereby certify that on this 7th day of May, 2003, a copy of the foregoing "Notice of Appearance, Or In The Alternative, Petition To Intervene" was mailed by certified U.S. first class mail, postage pre-paid (except where noted) to the parties listed below:

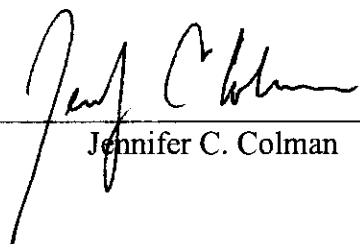
Marlene H. Dortch, Secretary
Federal Communications Commission
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c/o Vistrionix, Inc.
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(By Hand Delivery)

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Administrative Law Judge
Federal Communications Commission
Washington, DC 20554
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